

08.09.2022

Item No.1&2

Ct.No.01

F.B/gsd

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

**CRM (NDPS) 223 of 2022
With
CRR 210 of 2022**

In Re: An application for bail under Section 439 of Cr.P.C in connection with NDPS Case No. 22 of 2019 arising out of Jaigaon P.S. Case No. 135 of 2019 dated 18.07.2019 under Sections 22(c) of the NDPS Act, 1985.

In the matter of : **Manojit Das**

... Petitioner.

Mr. Sndip Dutta
Ms. Madhushri Dutta

... For the Petitioner.

Mr. Arun Kr. Sarkar
Mr. Tapan Bhattacharjee

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

This is an application for grant of bail in connection with Jaigaon P.S. Case No. 135 of 2019 dated 18th July, 2019 for the offence under Section 22(c) of the NDPS Act, 1985 pending before the Learned Additional Sessions Judge (NDPS), 1st Court, Jalpaiguri in NDPS Case No. 22 of 2019.

Learned Counsel for the petitioner submits that the petitioner was arrested by the police only on the basis of the statement made by the co-accused.

It is further submitted that nothing was seized from the possession of the present petitioner and there is no material to show that the petitioner is any way connected with the instant case.

Vide Order dated 25th July, 2022, this Court had issued *suo motu* Rule upon the co-accused Bappa Islam to show cause as to why bail granted to him shall not be cancelled. A notice was served upon the accused Bappa Islam wherein it reveals that he is in the correctional home in connection with some other cases. Though the notice was served upon the Bappa Islam through the Jail Authority, but he has not appeared in person before this Court due to his detention in the correctional home.

In terms of the Order passed by this Court, the Investigating Officer has submitted a Report wherein it is mentioned that the Investigating Officer has visited the godown-cum-house and found the same under lock and key and on further enquiry the I.O. came to know that the owner of the said godown is residing at Meghalaya. Thereafter, after getting the phone details of the lady namely Ms. Sikha Das, the I.O. had contacted with the said lady.

The I.O. also submits that further time is required to file appropriate Report with respect of the said deed.

Heard.

Considered the submissions made by the respective parties.

Perused the case diary and the materials on record.

It is found from the records that the petitioner was arrested only on the basis of the statement made by the co-accused.

It is also admitted that nothing was seized from the possession of the present petitioner.

In view of the above, this Court finds that the petitioner shall be released on bail.

The prayer for bail of the petitioner is **Allowed**.

Accordingly, We direct, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/- (Rupees Twenty Thousand only) two sureties out of which one must be local surety of like amount each, to the satisfaction of the Additional Sessions Judge, 1st Court, (NDPS) at Jalpaiguri and on condition that the petitioner shall appear before the Learned Trial Court on each and every date of trial and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence.

As regards the appearance of Bappa Islam, it is found from the records that he is in the correctional home. The Jail Authority is directed to submit a report before this Court on the next date fixed to ascertain whether the accused Bappa Islam intends to defend his case in person or, he intends to engage his lawyer or, any lawyer is to be engaged through the legal aid.

Let the Report be filed by the Jail Authority on the next date fixed.

Let the matter appear before the next available Circuit bench, subject to its convenience.

I.O. is directed to file a Report in connection with the deed on the next date.

The personal appearance of the I.O. stands dispensed with.

CRM (NDPS) 223 of 2022 is **disposed of** accordingly.

All parties are to act on a server copy of this order from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

Copy of the order may be forwarded to the Superintendent Central Correctional Home, Jalpaiguri for information and report.

(Krishna Rao, J.)

(Subrata Talukdar, J.)